

## ANDREW SWENSON'S TRIAL

Jury Couldn't Agree and Were Looked Up All Night.

## LESSEE O'MALLEY WINS.

JUDGE MERRITT REFUSES TO GRANT THE INJUNCTION.

## The Restraining Order Dissolved—No Proof That College Chums and Charles's Aunt Are the Same Play.

C. Trent Must Answer—Mrs. Genevieve Don Carlos Tufts and Sam Nowell Arrested for Adultery.

The trial of Andrew P. Swenson for assaulting Carl Anderson with intent to commit murder, was resumed before Judge Merritt yesterday morning.

The witness for the prosecution, W. A. Rogers, examined the previous day, was put upon the stand for cross-examination by Attorney Corey, and stated that he learned from the deceased that he and Swenson were not good friends prior to the shooting.

Emma Sunderson, a Swede, testified through interpreter Nelson that she heard a shot fired south of her house about 8:30 on the morning that Anderson was shot. She was in bed at the time and heard a man scream twice.

Jacob H. Griffiths, of Union, also testified that he heard a shot fired about 8:30 a. m. It was then quite dark. The sound came from the direction of Furber's farm. Witness knew nothing as to what was the relation between Swenson and Anderson, whether friendly or otherwise.

George A. Milberg testified that early on the morning of the shooting he met Swenson on the Rio Grande Western railroad track, about two and a half miles from the scene of the tragedy. Defendant was going towards Salt Lake. This was about 5:30. Witness asked Swenson where he was going early in the morning, but he did not answer. The spot at which he met defendant was about two and a half miles from Swenson's house.

Hyrum Smith and Andrew Anderson, also of Union, were next examined, the latter stating that Swenson came to his house early on the Wednesday morning after the shooting of Carl Anderson, and told him that he went to Salt Lake city to hunt for work on the Saturday, but that hearing he had been accused of the shooting of Carl Anderson, he had returned to give himself up. The shooting occurred on the Monday previous.

## JUSTICE GRANT H. SMITH.

City Police Justice Grant H. Smith testified to the preliminary hearing of the defendant before him and the examination of Carl Anderson. Anderson, in the presence of the defendant, was asked who shot him, and he replied that Andrew Swenson shot him. It pointing him out as the man. He also said that he left his house about 5 o'clock, and it was about 3:30 (just at daylight) when he was shot, about 30 feet away from him when he fired. His recollection was that Anderson stated that Swenson said before shooting him: "You s--- of a b--- devil, I will kill you." Anderson believed that it was a shotgun that was used upon him.

Cross-examined, witness said what he learned was through an interpreter. Anderson testified that at that point is that Air Eklund, the interpreter, has told you?

Witness—Except that I understood a little from the gestures of Anderson, and a few words which could be understood.

Alfred E. Eklund said he met Carl Anderson at the hospital for the first time. He acted as an interpreter at the examination of Anderson before the court, and interpreted the answers correctly.

## SHERIFF McQUEEN.

Sheriff McQueen said he was present at the preliminary examination of the defendant before Justice Smith; that Anderson pointed out Swenson as the man who shot him, and said it happened just about the same time as he believed, indicated by measurement from his bed in the hospital to the wall that he was about 18 feet from Swenson when shot.

In cross-examination the witness was questioned at some length from the depositions of Anderson, taken at the hospital, as to what he could remember of the autopsy that was conducted. Fred W. Milverton testified that he took the deposition of Carl Anderson in shorthand and made the transcript now produced. This the prosecution offered in evidence.

Cross-examined—All of Anderson's testimony was given in Swedish and translated into English by an interpreter.

The prosecuting attorney offered in evidence the depositions of the deceased as part of the evidence given at the preliminary hearing. The defense objected to the admission of the depositions and both sides argued the point at length. The motion was overruled and the depositions admitted.

## THE DEFENSE OPENS.

For the defense, Mort G. Taylor, corner, was the first witness examined. The amount of his testimony was that he had examined the wound on the leg of the deceased after the amputation and that it was nicely healed.

## DEFENDANT'S WIFE.

Mrs. Swenson, the wife of the defendant, was the next witness called. She stated that her husband and the deceased, as far as she knew, did not have any quarrel or any kind of falling out on the morning of the shooting. Her husband had got up about 5 o'clock, after being in bed all night, and left the house, saying he was going to Salt Lake City for work.

Cross-examined by Mr. Howatt, witness said she was a niece of Carl Anderson. She had never gone to Anderson's house and complained that her husband had ill-treated her. She and her husband both visited at her uncle's frequently.

## A NEW LAW FIRM.

Judges Miner and Hiles Go Into Partnership.

Attorney Ogden Hiles and Judge Miner, it is reported, have formed a law partnership. Judge Miner will take up his residence in Salt Lake and the firm within a few days will open new and commodious offices. Attorney Morris Sommer will be associated with the new firm.

## The Supreme Court.

The territorial supreme court will meet on Saturday morning at 10 o'clock for one day, which will conclude the June term. It is expected an adjournment sine die will then be taken until the opening of the January term.

## Amusements.

The fair and conference season at the theatre begins tonight with the joint appearance of Mr. Stoddard, the eminent New York actor, and our Home Dramatic club. The play is the renowned English drama "Saints and Sinners," first produced in this country in 1885, when Mr. Stoddard created the role of Jacob Fletcher, which he has repeated over 600 times since, and in which he reappears tonight. The full strength of the Home club will be in the cast, and the support to Mr. Stoddard will be as ideal as our players know how to make it. The Saturday matinee will witness a radical departure in the reduction of prices, as announced elsewhere.

## Take Hood's and only Hood's, because Hood's Sarsaparilla Cures. It possesses merit peculiar to itself. Try it yourself.

See campaign offer, northwest corner of page 8.

## Mrs. Anderson, the widow of the

deceased man, was recalled, in rebuttal by the prosecution. She said that the defendant's wife had come to her house and complained that her husband had beaten her, and also said that if she stayed all night that her husband would be mad.

This closed the testimony and Attorney Howatt made the arguments for the prosecution, and Attorney Corey for the defense. At 5 o'clock the case went to the jury.

## At 6:30 the jury sent a message to the judge that they could not agree, but his honor told them to try again.

At 10 o'clock the message was repeated with greater emphasis, then Judge Merritt ordered them locked up for the night. It was said that four stood for acquittal and eight for conviction for the crime of assault with a deadly weapon with intent to commit bodily injury.

## Short Orders by Judge Merritt.

The People vs. Charles Thiede, murder; trial set for Oct. 10.

An open venue for the petit jurors was issued.

Fred Furniture company vs. Meta Haight; report of referees submitted for confirmation.

The People vs. Roy Wright; H. E. Booth, the attorney for the defendant, moved for order to pay the court reporter for transcribing the testimony, to be used upon appeal. Assistant District Attorney Howatt objected and the point was argued and submitted.

The People vs. Samuel Grice; next Saturday set as time for hearing arguments on motion for new trial.

The attorney for William Henry, charged with burglary, intimated that his client was willing to plead guilty to larceny, and he was ordered brought up this morning.

O'MALLEY WINS.

The Restraining Order Dissolved and the Injunction Denied.

## IN RAILWAY CIRCLES.

SENIOR'S BIG PARTY OF COLORADO EXCURSIONISTS HERE.

Plans Made For Entertaining the Visitors—An Effort Being Made to Secure the Next Christian Endeavor Convention For Salt Lake.

The big Senior excursion, made up of the best class of people from all parts of Colorado, arrived here yesterday, accompanied by Ed W. Senior.

The excursionists will remain in Salt Lake and vicinity for thirty days, and preparations have been made for entertaining them.

Today they will visit the territorial fair and see what Utah can do in the way of manufacturing, fruit, grain and stock raising, etc. Tomorrow they will be driven around the city in carriages and then take a plunge in the Saltarium. On Saturday they will visit beautiful Saltair.

Following in a complete list of the visitors:

Mr. and Mrs. M. E. Escher, Leadville, Colo.; Mrs. M. Donovan, Leadville, Colo.; Mrs. A. Eldridge, Leadville, Colo.; Mrs. George H. Hathaway, Leadville, Colo.; O. Erickson, Leadville, Colo.; A. Verhoef, Leadville, Colo.; C. H. Cook, Leadville, Colo.; H. Hancock, Leadville, Colo.; J. Hancock, Leadville, Colo.; Mrs. Grace Davis, Leadville, Colo.; Mrs. E. Southard, Leadville, Colo.; J. G. Usinsens, Leadville, Colo.; J. Heimberger and wife, Leadville, Colo.; Clarence Dye, Leadville, Colo.; Grant Griggs, Leadville, Colo.; Miss Croom, Leadville, Colo.; J. G. Grison and wife, Leadville, Colo.; Miss L. Hoge, Leadville, Colo.; Mr. and Mrs. E. L. Davis, Telluride, Colo.; J. R. Ferris, Pueblo, Colo.; Mr. and Mrs. W. E. McNabb, Pittsburg, E. M. Boyd and wife, Chicago; Mrs. E. M. Collins, Colorado Springs; P. Thompson, and wife, Chicago; Miss Nellie Peters, Chicago; Mrs. M. H. Tilscher, Denver; John Morhurst, Wynmore, Neb.; A. Hadler, Grand Junction; W. H. Johnston, Chicago; W. K. Greer, Grand Junction; R. A. Kincaid, Denver; Mrs. J. E. Clark, Grand Junction; W. J. Meier, Grand Junction; D. K. Sell, Grand Junction; Mrs. W. J. Stacy, Bama Vista; Miss O. Clark, Grand Junction; S. E. Wilson, Florence, Colo.; Mrs. E. Lotus, Canon City, Colo.; Mrs. J. P. Deaving, Montrose, Colo.; Miss E. G. Smith, Mrs. M. Shannon, Mrs. J. Y. Marshall, C. H. S. Whipple, L. Frank Brown, Miss H. Werner, J. Madigan, Mrs. E. W. Fryer, A. McLaren, Colonel John C. Smith, L. Wadsworth and wife, Miss Be. Daymon, H. J. Piper, D. P. Bonner, Mrs. Margie Hoagland, J. D. Young and wife, John Skea, Evan Bowen, John Eberly, Louis Nelson, Jerry Buckley and wife, Mrs. M. La Pierce, Colorado Springs, J. G. Taylor, Denver; Mrs. J. E. Whipple, Omay, Cal.; Henry Munson, Kokomo, Ind.; William M. Huston, Omay, Cal.; D. Kephron, Cripple Creek; Mrs. Lilly Traver, Kokomo; E. Crowley, E. P. Rose and wife, Mrs. Fred Boehm, Mrs. Christine Davidson, Mrs. Christine Swanson, S. N. Hansbrough, Mrs. L. E. Roach, and wife, John Wilson, Thomas Lazebny, Mrs. J. E. Whipple, John G. Feight, Aspen, Col.

## Christian Endeavor Convention.

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The following telegram was yesterday sent by the Rio Grande Western to John Willis Beer, the secretary, at Boston:

Salt Lake City, Oct. 2.

Your letter of 24th. We ask you to consider Salt Lake city as a meeting place for the convention in 1895. We guarantee you a rate of \$20 from Denver or Pueblo, with a probable rate of \$40 or \$45 from Chicago. By courtesy of the Mormon church officials we are able to offer you the large tabernacle, seating capacity 9,000, for your deliberations. We can take care of any number you can arrange to come here. J. H. BENNETT.

## Backen's Aralen Salve.

The Best Salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by Z. C. M. I. drug department.

## ONLY \$29.25 TO ST. LOUIS

Via Union Pacific.

The shortest and fastest line to all points east. City ticket office, 201 Main street.

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Saturday, Oct. 6—Tabernacle choir concert, 8 p. m.

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Via Rio Grande Western Railway.

Call at ticket office, No. 15 W. Second South, for particulars.

## IN POLICE CIRCLES.

GRAND JURORS WILL INVESTIGATE AN UNSAVORY CASE.

A Youthful Nymph du Pave—The Grand Jury Will Take Up the Case of Modesta Siker.

The charge of fornication preferred on Monday against Chin Mun Chan, a Chinese doctor from Butte, and Lucy Anderson, an avenue fairy, will be investigated by the grand jury, now in session. This was the decision of Police Justice Smith yesterday. The defendants were ordered held to await the action of the grand jury. They were found sin had together in Anderson's house on the avenue.

Annie Thomas, a prostitute, was arraigned during the afternoon session of the court for the charge of soliciting business. She had many of the females from the avenue in court to prove that she had retired from the arena of shame and notwithstanding the strength of the prosecution, the creature was discharged, but was assessed \$10 for using abusive language to Officer Seigfus.

Upon the promise of her brother that she would hereafter lead a virtuous life, the 16-year-old girl held for prostitution, whose police court name is Sadie Ross, was released from custody. She went away with the brother and every effort will be made by the members of her family to compel the girl to keep her promise.

Ada Perkins, aged 14 years, was arrested at the residence of Lulu Lyon on the charge of using abusive language, and will be given a hearing today. It was found she had together in filthy language to the complainant.

## Grand Jury Will Take It.

Modesta Siker, the slayer of Giuseppe Murano, will not be given a preliminary hearing but the case will be submitted direct to the grand jury.

## From the Garden City.

Provo, Oct. 2.—The first business transaction in the district court today was the divorce proceedings of Sarah S. Hanson vs. Nephri Hanson. Plaintiff charges that the defendant has failed and refuses to provide for her since January, 1894, and further alleges that by force and threats of violence he has caused her to leave her home and division of property. The parties are from Spanish Fork. The defendant answers and denies the allegations set forth in the plaintiff's complaint, and asks the court to dismiss the case for a decree of divorce and that the defendant take no alimony or any other property other than that which has been given to her by defendant. The case was aimed at some length. The defendant stated on the stand that he was willing to take his wife back as his wife at any time.

The judge stated that he thought the parties could come together again and resume their former relations, therefore the decree of divorce was denied, and the plaintiff's attorney was allowed \$25, and the costs were assessed against the defendant.

The members of the Women's Democratic club of Provo and the reception committee gave a party last night in the South hall in honor of the visiting delegates to the Democratic county convention. All present had an enjoyable time. Appropriate speeches were made to the toast, "The Woman's Democratic Club of Provo."

## To Glenwood Springs and Return.

The Rio Grande Western railway, in connection with the "Midland" "Santa Fe" route, is now selling tickets from all points in Utah to Colorado's famous bathing resort, Glenwood Springs, and return for only \$16.50. Tickets good thirty days. Ticket office, 15 West Second South street.

## Burlington Route Dining Cars.

The Burlington Route is the only line running dining cars on the "la carte" plan between Denver and Omaha, Kansas City and Chicago. Passengers have to pay only for what they eat. Be sure your ticket reads via the Burlington.

The favorite route to all points east is via Missouri Pacific railway. Close connections and through sleepers and chairs cars, Pueblo to St. Louis, S. V. Davis, C. P. & P. A. 21 Moran block, Salt Lake city.

## CUT RATES

Via the Rio Grande Western Railway.

Effective September 27th and until October 6th, first-class rate via Rio Grande Western will be \$29.25 to St. Louis and \$36.75 to Chicago. Proportionate reduction to all points east thereof. Two through fast trains daily. Ticket office, No. 15 W. Second South.

## Conference Notice.

The Sixty-fifth semi-annual conference of the Church of Jesus Christ of Latter-day Saints will convene at the tabernacle, Salt Lake city, at 10 o'clock on Friday morning, October 5, 1894.

The officers and members of the church generally are cordially invited to attend the meetings of the conference.

WILFORD WOODRUFF, GEORGE Q. CANNON, JOSEPH F. SMITH, First Presidency.

## The Snake Exhibit.

Having obtained the necessary permission from the city council, Messrs. Johnson and Webb, of Oasis, will this morning open their snake exhibit at the west gate of the fair grounds. They were prevented from showing yesterday by the police. These gentlemen have 100 snakes, representing the entire snakehood of Utah. The specimens are said to be the best yet exhibited.

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Mr. Joseph Hemmerlich

An old soldier, came out of the War greatly enfeebled by Typhoid Fever, and after being in various hospitals the doctors discharged him as incurable with Consumption. He has been in poor health since, until he began to take Hood's Sarsaparilla.

## Hood's Sarsaparilla

Immediately his cough grew louder, night sweats ceased, and he regained good general health. He cordially recommends Hood's Sarsaparilla, especially to comrades in the G. A. R.

Hood's PILLS cure habitual Constipation by restoring peristaltic action of the alimentary canal.

Established 1847. 140 Offices. The Oldest and Largest.

## R. G. DUN &amp; CO.,

THE MERCANTILE AGENCY.

GEO. OSBORN, General Manager, Utah and Idaho. Offices in Progress Building, Salt Lake City.

## HOTEL TEMPLETON,

SALT LAKE CITY, UTAH.

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## THE WALKER.

The Only First-Class American and European Hotel.

RATES: European Plan, \$10 to \$15 per day. American Plan, \$12 to \$15 per day.

ARMOND H. PAGE, Proprietor and French Chef.

SALT LAKE CITY, UTAH.

## THE Gullen Hotel

Rates, \$2 to \$2.50 Per Day.

S. C. EWING, Proprietor.

## GRAND PACIFIC HOTEL.

Cor. South Temple and Third West Streets. OPPOSITE U. P. DEPOT.

First-Class in all its appointments. Rooms with or without bath.

Steam heat, hot and cold water, electric light and steam elevator.

C. T. WHITTEMORE, Prop.

## Hotel Knutsford.

NEW—250 ROOMS.

UNEXCELLED IN ANY POINT.

The Most Elegantly Equipped Hotel between Chicago and the Pacific coast. Capacity three times that of any other hotel.

G. S. HOLMES, Prop.

## "SANTA FE ROUTE"

Rio Grande Western.

Colorado Midland.

Atchison, Topeka & Santa Fe Railways.

THE ONLY LINE WHICH RUNS PULLMAN Palace Sleeping Cars between Ogden, Salt Lake City and Chicago without change and Pullman Palace Reclining Chair Cars between Ogden, Salt Lake City, Denver and Chicago.

Leave Ogden or Salt Lake City on the evening train in order to see the most beautiful scenery in America.

Train leaves Rio Grande Western Depot Salt Lake City at 8:15 p. m.

H. C. BURNETT, General Agent Pass. Department, 409 DOOLY BUILDING, SALT LAKE CITY, UTAH.

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JOHN H. KEENE, Commercial Agent, JOHN H. ALLEN,

Trav. Fr. and Pass Agt. Room 20 Marston Block, 15 West Second South street, Salt Lake city, Utah. Men send this paper.

## RAILROAD ANNOUNCEMENTS.

Capital, \$100,000. Surplus, \$40,0